

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**CLETIS BECK,**

**Plaintiff,**

**v.**

**CAROLYN COLVIN,  
Acting Commissioner of Social Security,**

**Defendant.**

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**Case No. 4:12CV887 SNLJ/FRB**

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's Application for Attorney's Fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 (#20), filed October 27, 2013. Defendant filed a response (#21) on November 12, 2013.

This Court ordered (#19) that the report and recommendation of U.S. Magistrate Judge Frederick R. Buckles (#18), filed June 26, 2013, be sustained, adopted and incorporated in this Court's Order and Judgment of July 29, 2013. Plaintiff now seeks an award of attorney's fees in the amount of \$4,286.56 and requests that the attorney's fees be paid directly to plaintiff's attorneys. Defendant has no objection to payment of the amount requested. However, defendant requests that the Court enter an order awarding the attorney's fees to plaintiff rather than plaintiff's attorneys in accordance with *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010).

Because plaintiff is the prevailing party and there are no circumstances in this case that would make an award under the EAJA unwarranted, this Court finds that plaintiff is entitled to an award in the amount requested. Plaintiff has submitted an affidavit assigning any award of attorney's fees under the EAJA to her counsel of record. An award of attorney's fees to the prevailing party under the EAJA is payable to the plaintiff as the litigant and is "subject to [g]overnment offset to satisfy a pre-existing debt that the litigant owes the United States." *Ratliff*,

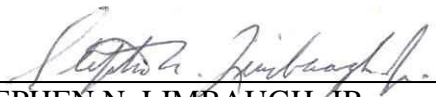
130 S.Ct. at 2524. Therefore, the Court will direct the defendant to make plaintiff's award of attorney's fees payable to plaintiff's attorneys, subject to any pre-existing debt plaintiff owes to the United States.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's Application for Attorney's Fees under the Equal Access to Justice Act (#20) is **GRANTED** and plaintiff is awarded attorney's fees in the amount of \$4,286.56.

**IT IS FURTHER ORDERED** that defendant shall pay attorney's fees in the amount of \$4,286.56 to plaintiff's attorneys, The Law Offices of Daniel A. Parmele, P.C., subject to any pre-existing debt that the plaintiff owes to the United States.

Dated this 21st day of November, 2013.

  
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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE